

Attention: Media
Bureau

October 4, 2012

Secretary, Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
Attention: Media Bureau

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OCT 11 2012

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Re: 47 C.F.R. § 1.4000 OTARD

Illegal restriction of placement of satellite dish in an exclusive use area.

To Whom It May Concern,

I would like to file a petition concerning the restriction of placing my dish satellite on an exclusive use area of the townhome that I rent by the Homeowners Association.

I had my dish installed on the roof of the storage unit that is on my back patio area. I am the only one that has use of the unit and it is not shared with anyone else. The unit is on the cement area of the patio that is not shared by anyone else in the back of the townhome. The roof is not shared with any other unit and none of the walls are shared with any other unit. The unit has a locked door on it. I would consider this to be my exclusive use area and per OTARD, the HOA cannot place any restrictions on that area concerning satellite dishes. Prior to having the dish installed I had gotten my landlord's permission.

The dish had been in place for approximately one month when I received a call from my landlord stating that per the HOA, I had to remove the dish immediately since I had not obtained prior authorization from the HOA and it needed to be placed by the chimney. Per OTARD, placing the dish on the roof area of the townhome itself could be considered a common area and would need to have approval. However, I did not have it placed on the roof that is shared with the two units next to mine.

I have included a copy of the HOA rules concerning placement of a satellite dish. The rules state that prior authorization must be obtained, which I believe violates OTARD. The HOA rule concerning placement states:

"LOCATION - Dishes are to be mounted on the corner trim of the wooden chimney structure, above the gutter or edge of the roof, of the home they are connected to serve. If there is no chimney box on your home, please indicate this on your application, and the ACC Committee will

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indicate where to locate the dish with their approval. CABLES- A single cable is to be run in the most inconspicuous manner possible between antennae and point of entry into the house (usually the storage shed) and secured without allowing fasteners to penetrate roofing material. Cables must enter the unit within 5 feet of the dish location. Installation is to comply with any applicable building or electrical codes. No additional cables or devices are permitted."

The townhomes are two and three story units. It is impossible to comply with the cable restriction if the dish would be placed on the chimney structure as the cable would have to be much longer than 5 feet before it would enter into the unit. The HOA's own rules contradict themselves.

First, I do not have a chimney on my unit. Second, by placing the dish on the roof, I would not be able to adhere to the restriction of the cables as it would be much further than 5 feet from the dish to the storage unit. To comply with that portion of the rule, you would have to drill a hole in the roof for the cable to go through. If it was on a chimney, the only other option would be to put the cable down the chimney which I believe would be a major safety issue.

By placing the dish on the roof of the storage unit, I am in compliance with the cable restriction as the cable enters the storage unit approximately 5 feet from the dish. The installer actually has the cables going into the box that was previously on the unit from where I had cable installed. There was no drilling of any holes in the storage unit roof or walls of the storage unit.

I know of two units within my sight that are not in compliance with the rule of entry of the cable into the unit (they suggest storage unit) within 5 feet of the dish. In fact, both of them have the cable running down the exterior wall of the second story. These units had their dish up prior to the installation of mine.

These units are designed like a doll house with very steep roofs. I would seriously be concerned about having satellite dishes attached to chimneys so high up that no one would be able to notice if the dish is becoming loose as they would be subject to high winds. Also, in the spring when we have a wet snow, there would be no safe way to be able to remove any snow accumulated on the dish that could cause reception problems.

I believe that the HOA is in violation of OTARD by requiring me to remove my dish that is in an exclusive use area and placing it on the townhome roof which could be considered a common area.

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Sincerely,

Rhonda Rivenburg

Rhonda Rivenburg

9262 W. Ontario Dr.

Littleton, CO 80128

303-520-8631

Enclosures: Letter from HOA, Rule concerning placement of satellite dish from HOA.

BELOW IS CONTACT INFORMATION FOR ALL INVOLVED PARTIES:

HOME OWNERS ASSOCIATION MANAGEMENT COMPANY:

KC & ASSOCIATES, LLC, 10106 W. San Juan Way, Ste 210 Littleton, CO 80127 Community Assoc. Mgr Tina White **303-933-6279**.

TOM MCCANN, DUTCH RIDGE HOA PRESIDENT, 9252 W. Ontario Dr., Littleton, Co 80128 303-973-9235.

David Nikkel, Landlord, 9202 W. Ontario Dr., Littleton, CO 80128 303-972-3400.

Dutch Ridge HOA

c/o KC & Associates, LLC
10106 W. San Juan Way, Suite 210
Littleton, CO 80127
303-933-6279..

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September 17, 2012

David Nikkel
9202 W. Ontario Dr.
Littleton CO 80128

RE: 1st Notice of Violation - 9262 W Ontario Dr

Dear Homeowner:

As a homeowner in the Dutch Ridge HOA, we are sure you are interested in maintaining the high standards of the community. Members' diligent efforts to observe community standards provide residents with a nice place to live and protect property values.

During a recent property inspection on 09/14/2012, a violation of the governing documents for Dutch Ridge HOA was noted as follows:

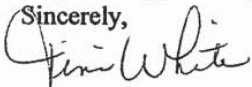
- **Satellite dish not approved by Architectural Control Committee.**
- To bring your property into compliance: Remove satellite dish from shed roof and apply for approval of appropriate location, i.e. chimney. In addition, remove bicycles from common rock areas and repair window screen on 2nd floor rear windows.

This letter is for your information and a friendly reminder to you. The violation will need to be corrected within 10 days from the date of this letter. If you would like to review the Dutch Ridge HOA Policies and Procedures for Covenant and Rule Enforcement, a copy of this policy and other documents are available at the management office or online at www.kchoa.com.

If additional complaints are filed following this date, your property's account may be fined \$100.00 and the matter may be turned over to the Association's legal counsel if it remains unresolved. You have the option of explaining matters in dispute to the Board of Directors. If you desire a hearing, please notify us in writing within 10 days of this letter so that your case can be given priority on the agenda at the next Board meeting.

Thank you in advance for your help in preserving the integrity of Dutch Ridge HOA. The Association and your fellow neighbors appreciate your voluntary compliance and cooperation in this matter.

Sincerely,



Tina White
Community Association Manager
Dutch Ridge HOA

cc: Board of Directors

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F. Firewood

For the safety of yourselves and your neighbors, please:

1. Firewood may only be stacked neatly outside your residence on the back concrete patio slab. Firewood is absolutely not allowed on the decks.
2. Any stacked firewood must have at least a 3-inch airspace between it and any wood fence or building to prevent damage to these structures. Contact with these structures is prohibited.
3. Firewood must not obstruct any windows or doors, and a 2-foot wide walkway, allowing access from the common area, must be maintained in front of any door.

G. Holiday Decorations

Holiday decorations may be displayed outside of a residence no earlier than 30 days prior to the holiday and must be removed no later than 10 days after the holiday. No decoration or display shall damage the structure or landscape of a unit, or risk injury to any individual, including but not only those installing or removing the decorations.

H. Noise and Nuisances

No noise or other nuisance shall be permitted to exist or operate upon any personal or common property so as to be offensive or detrimental to any other property or its occupants. Without limiting the generality of any foregoing provisions, no exterior speakers, whistles, bells or other sound devices (other than security devices used exclusively for security purposes), or harsh lighting or reflective materials shall be located, used or placed on any such property.

I. Satellite Dishes

Satellite dish and antenna installations must have an Architectural Control Request (see Appendix III) and Waiver forms (see Appendix IV) submitted and approved

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before installation commences. Submit these to the address located in Appendix I.

Please remember that the owner is responsible for the actions of his contractors. If the contractors do not place the dish in the pre-approved location or otherwise fail to conform to the requirements of the Association, the owner shall correct the problem at the owner's expense. The following are limitations pertaining to satellite dish installations in Dutch Ridge:

1. **SIZE** - Satellite dishes must not exceed 39" or one (1) meter in diameter.
2. **LOCATION** - Dishes are to be mounted on the corner trim of the wooden chimney structure, above the gutter or edge of the roof, of the home they are connected to serve. If there is no chimney box on your home, please indicate this on your application, and the ACC Committee will indicate where to locate the dish with their approval.
3. **CABLES** - A single cable is to be run in the most inconspicuous manner possible between antennae and point of entry into the house (usually the storage shed) and secured without allowing fasteners to penetrate roofing material. Cables must enter the unit within 5 feet of the dish location. Installation is to comply with any applicable building or electrical codes. No additional cables or devices are permitted.
4. **WAIVER** - Before installation, the owner of the unit receiving the dish must sign a waiver form and deliver the same to the Association Manager accepting responsibility on behalf of the owner and any future owner(s) for maintenance of the installed dish, cable and equipment, and accepting responsibility for any damage inflicted on property the Association maintains resulting from the dish or equipment.

CERTIFICATE OF SERVICE

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I certify that:

The original and four copies of the petition were mailed to:

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

And a true and accurate copy of the same document was placed in the United States mail, postage prepaid, and addressed to the following parties on this date October 4, 2012.

TO:
David Nikkel
9202 W. Ontario Dr.
Littleton, CO 80128

Tom McCann, Dutch Creek HOA
9252 W. Ontario Dr.
Littleton, CO 80128

KC & Associates, LLC
Atten: Tina White
10106 W. San Juan Way, Ste. 210
Littleton, CO 80128



Petitioner,
Rhonda Rivenburg
9262 W. Ontario Dr.
Littleton, CO 80128
303-520-8631

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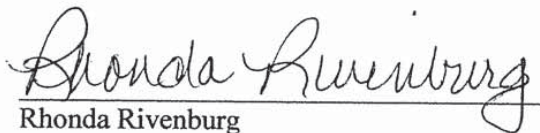
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Affidavit of Rhonda Rivenburg

My name is Rhonda Rivenburg. I am 55 years old, am working as a Executive Resolution Specialist, and currently reside at 9262 W. Ontario Dr., Littleton, Colorado 80128.

I, hereby swear that the statements made on the petition concerning the facts surrounding the installation of a dish satellite at 9262 W. Ontario Dr., Littleton, CO 80128 attached to be true and accurate.

I declare that, to the best of my knowledge and belief, the information herein is true, correct and complete.


Rhonda Rivenburg

STATE OF COLORADO, COUNTY OF JEFFERSON, ss:

This Affidavit was acknowledged before me on this 24 day of October, 2012 by Rhonda Rivenburg, who, being first duly sworn on oath according to law, deposes and says that he/she has read the foregoing Affidavit subscribed by him/her, and that the matters stated herein are true to the best of his/her information, knowledge and belief.




Notary Public

Notary Public
Title (and Rank)

My commission expires 04-21-2016

